

Remarks

The Office Action was reviewed with care in preparation for this amendment and response. Applicant thanks the Examiner for his careful examination of the application.

Applicant now turns to dealing specifically with each of the rejections raised in the PTO action:

Claims 6 was rejected under 35 USC 112, second paragraph, the Examiner noting that there were no antecedent bases for terms “the flat-to-flat dimension” and “the rotatable element.” Claim 1 has now been amended to provide explicit antecedent bases for both terms.

Claims 1, 2 and 4 were rejected under 35 USC 102(b) as being anticipated by Pradelski’s Patent No. 5,533,428. Claim 1, now the sole independent claim, has been amended. Amended claim 1 is not anticipated by Pradelski; furthermore, amended claim 1 is patentably distinct over the prior art, including Pradelski.

Applicant’s application makes it clear that the instant invention is an improvement over the earlier Pradelski invention. The improvements of the instant invention are not only unobvious, but are commercially significant advances in the art.

While the prior Pradelski patent discloses a cover plate, such cover plate has only an encasement function. The Pradelski patent states, at column 3, lines 56-61, as follows:

A metal cover plate 17 is provided on each side of slot 23 to encase the spring 25 and detent portion 65. Preferably, cover plates 17 are welded to head 20. The metal cover plates 17 protect the encased elements, preventing them from laterally falling out of slot 23, and preventing undue lateral movement of the retractable jaw member 15.

There is no disclosure whatsoever of a cover plate that would serve dual functions, including the additional critical function of transmitting loads. Thus, applicant’s amended claim 1 is not anticipated by the prior Pradelski patent.

Furthermore, it is far from obvious that a cover plate having the typical known function of a cover, *i.e.*, to encase or otherwise constrain other parts, should or could be reconfigured to serve the additional and completely different function of providing important structural integrity. Applicant’s amended claim 1 now much more clearly sets forth the dual functions of the cover

plate and also specifies what it is that provides such dual functionality. Not only has the nature of the relationships of the parts now been made more clear, but the limitations of dependent claims 2 and 3 been worked into amended claim 1.

The limitation of projection welds from claim 3 is now a part of claim 1. As pointed out in the specification of the instant patent application, projection welds provide critical structural integrity. At page 7, beginning at line 6, the instant specification states as follows:

During the welding process, the metal of projections 33 flows between cover plate 23 and second jaw 18 to form welds over an area much larger than the area of projections 33 on second jaw 18. Thus, cover plates 23 and 25 welded to second jaw 18 enable cover plates 23 and 25 to become load-bearing structural members within second jaw 18, significantly strengthening second jaw 18.

Applicant has reviewed the prior art, including references cited by the Examiner for other purposes, and notes (1) that dual-purpose covers are not disclosed, and (2) that matter projection welding of a cover member is not disclosed. More specifically, neither the Hansen patent nor the Huang patent application discloses any such feature or function.

Claim 1 as amended represents a highly-creative, inventive and commercially-significant improvement in the field of ratchetable wrenches. Claim 2 was cancelled, as indicated above. Claim 4 is patentable as depending in amended claim 1, but has also been rewritten for consistency with the amendments in claim 1.

Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Pradelski in view of either Huang or Hansen. Claim 5 is now dependent on amended claim 1, and this rejection is respectfully traversed.

Claims 3, 6, 7, 9 and 10 were rejected under 35 USC 103(a) as being unpatentable over Pradelski. Claims 3, 9 and 10 have been cancelled. Claims 6 and 7 are dependent on amended claim 1, and the rejection of these claims is respectfully traversed.

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Pradelski in view of MacLean. Claim is dependent on amended claim 1, and this rejection is respectfully traversed. Furthermore, it is noted that the matter of the second jaw, *i.e.*, the jaw carrying the retractable jaw member, being shorter than the first jaw, is not a matter of saving material, as the Examiner

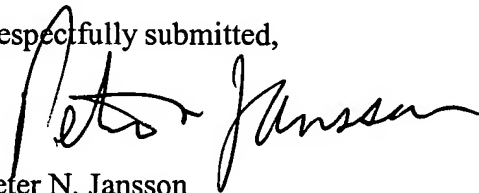
suggests. Instead, it has to do with stress levels in the material, as pointed out in applicant's specification, at page 8, beginning at line 10, which states as follows:

Wrench 2 in FIGURE 5 includes a further improvement of retractable jaw member 11 being in the shorter of the two jaws. (For convenience in the description, in FIGURE 5 second jaw 18 is the shorter of the first and second jaws. In proper use, stresses within second jaw 18 of wrench 2 in FIGURE 5 are significantly lower than in wrenches in which the retractable jaw member is in the longer of the two jaws, due to the much shorter distance between the center of rotation of wrench 2 and the region around the slot (not visible in FIGURE 5) in second jaw 18. This significantly lowers the possibility that high torques in proper use would cause a failure. Furthermore, given that "crowbar" misuse of open-ended wrenches using the shorter of the two jaws is almost impossible, breakage due to such misuse is dramatically reduced with the highly preferred embodiment illustrated in FIGURE 5.

This is an important consideration in preferred embodiments of applicant's invention, both as to use and misuse of wrenches.

Applicant believes that all of applicant's claims are in form for allowance. Early favorable action is earnestly solicited. The Examiner is invited to call the undersigned attorney if that would be helpful in facilitating resolution of any issues which might remain.

Respectfully submitted,




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